

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 15883 of 2005

Between:

B.Subrahmanyam, s/o B.Manikyam Reddy,
R/o Tirumala, Chittoor District.

..... PETITIONER

AND

Tirumala-Tirupati Devasthanams, rep., by its Executive Officer, Tirupati, Chittoor
District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction preferably in the nature of writ of mandamus declaring the action of the respondent in appointing juniors to the petitioner as paid volunteer without considering the case of the petitioner and seniority list is arbitrary, illegal and further prays to direct the respondent to absorb and regularise the service of the petitioner as paid volunteer.

Counsel for the Petitioner: MR.K.JAYA KUMAR

Counsel for the Respondent: MR.A.K.JAYAPRAKASH RAO

The Court at the admission stage made the following:

ORDER:

This writ petition is filed for declaring the action of the respondent in appointing the persons who are juniors to the petitioner as Paid Volunteers without considering the case of the petitioner and seniority list as arbitrary and illegal.

According to the petitioner, he was taken into service as a Paid Volunteer in the month of January 1984 and his services were utilised at various places in the respondent-organization. Thereafter, he was asked not to attend duties in the month of October 1987 and subsequently also no work was provided to him. It is the case of the petitioner that he had completed 240 days of continuous service in a calendar year and therefore, his discontinuance from service is illegal and without jurisdiction. Therefore, he has come up with the present writ petition claiming that the respondent did not follow the provisions of the Industrial Disputes Act, 1947 while dispensing with the services of the petitioner. Hence, the petitioner sought for appropriate directions to the respondent to reinstate him.

At the time of hearing, it is represented by the learned counsel for the

petitioner that in similar circumstances, this Court directed the parties to approach the Labour Court/Industrial Tribunal seeking appropriate relief. Therefore, he sought for similar direction.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation.

There is absolutely no merit in seeking a writ of Mandamus for reinstatement or re-engagement of the petitioner by appointing him as a Paid Volunteer. By his own version, the petitioner was discontinued in the year 1987 itself and he has come before this Court nearly after lapse of 18 years. Therefore, the writ petition is not maintainable on the ground of laches.

However, it is open to the petitioner to approach the Labour Court/Industrial Tribunal, if he is so advised. But, there is no need for this Court to give any directions either to the petitioner to approach the Labour Court/Industrial Tribunal, or to direct the Labour Court/Industrial Tribunal to entertain the claim of the petitioner.

Accordingly the writ petition is dismissed. No costs.

21.07.2005

VGB

To

- 1. The Executive Officer, Tirumala-Tirupati Devasthanams, Tirupati, Chittoor District.
- 2. 2CD copies.
- 3. 1CC to Mr.Jaya Kumar.